

REMARKS

I. Status of the Application

By the present amendment, Applicant amends claims 15 and 19-21. Claims 15-21 are all the claims pending in the Application. Previous claims 15-21 have been allowed.

In view of the Examiner's previous indication of allowable subject matter in the Notice of Allowance dated September 12, 2007, Applicant submits that the present application is in a condition for immediate allowance.

II. Comments on Examiner's Statement of Reasons for Allowance

Applicant notes that the Examiner's particular comments regarding the Reasons for Allowance included with the Notice of Allowance dated September 12, 2007 do not accurately reflect the claim language. For instance, the Reasons for Allowance merely loosely paraphrase certain recitations that are included in one of the independent claims and therefore do not accurately restate the claimed invention.

MPEP §1302.13 requires that "[w]here specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon the claims." Accordingly, since the Reasons for Allowance comprise inaccurate paraphrasing, Applicant maintains that the legal scope of the present invention is defined only by the recitations of the allowed claims themselves and not by the Examiner's paraphrasing. Thus, the Examiner's Reasons for Allowance should not be construed to place unwarranted interpretations upon the claims.

Moreover, Applicant notes that the application includes 4 independent formulations of the invention (i.e., claims 15, 19, 20 and 21) and, therefore, Applicant submits that the Reasons for Allowance are deficient by failing to acknowledge that claims 15, 19, 20 and 21 were allowed for independent reasons.

Additionally, the recitations paraphrased in the Reasons for Allowance are not necessarily included in all of the independent claims 15, 19, 20 and 21. As just one example, the Reasons for Allowance state that “the primary reasons for allowance for claims 15-21 are the inclusion of the limitations... wherein an ejection amount of the first liquid that reaches a region that is outside the medium is not reduced...” However, independent claims 19 and 20, for example, do not expressly include this recitation. Therefore, Applicant respectfully submits that the scope of the claims should be governed by the actual claim language, not by the Examiner’s reasons for allowance.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/540,140

Attorney Docket No.: Q86643

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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